



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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In re Application of :  
Albert J. J. Van Ooyen :  
Serial No.: 09/003,047 : PETITION DECISION  
Filed: January 5, 1998 :  
Attorney Docket No.: 261922003302 :


This is a decision on the Petition under 37 CFR 1.181, filed February 28, 2002, to Withdraw Holding of Abandonment based on filing of a timely reply to the Office action mailed December 26, 2000.

A review of the file history shows that the examiner mailed a non-Final Office action to applicants on December 26, 2000, setting a three month shortened statutory period for reply. Applicants did reply to the Office action on July 2, 2001, with an amendment, sequence listing, drawing correction proposal and a three month extension of time and fee therefor. For unknown reasons the Office action was listed on Office records as a Final Office action rather than non-Final. In consequence thereof the examiner improperly issued an Advisory action on October 15, 2001 and also mailed a Notice of Abandonment on November 9, 2001. In view of the Office action not being a Final Office action both actions were improper. In view thereof the Advisory action and Notice of Abandonment are vacated and the application is restored to pending status with the mailing of this decision.

**Applicant's petition under 37 CFR 1.181 is GRANTED.**

**The application will be forwarded to the examiner for further consideration.**

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.

  
John Doll  
Director, Technology Center 1600